

WESTFIELD CITY COUNCIL JUNE 14, 2010

The Westfield City Council met in regular session Monday June 14, 2010 at the Westfield City Hall. Members present were John Dippel, Bob Horkay, Ken Kingshill, Tom Smith, and Steve Hoover. Also present were Mayor Andy Cook, Clerk-Treasurer Cindy Gossard and Legal Counsel Brian Zaiger.

President Tom Smith called the meeting to order at 7:00P.M.

Approval of Minutes:

There was one correction on spelling. Steve Hoover made the motion to approve the May 24, 2010 minutes as amended. Bob Horkay seconded. Vote: Yes-5; No-0. Motion carried.

Guests:

Chair of Westfield Rocks 4th celebration, Melody Jones, asked the Council, Department Heads and Mayor to be a part of this event and to participate in the Dunk Tank. The proceeds of this will go to the Youth Assistance Program.

It was suggested that there be some representation from the City Council. Ken Kingshill made the motion to appoint Bob Smith and Rob Stokes to participate in the Dunk Tank for Westfield Rocks the 4th. John Dippel seconded. Vote: Yes-5; No-0. Motion carried.

Claims:

Ken Kingshill asked about salary changes. Cindy Gossard confirmed that these were reclassifications. John Dippel made the motion to approve the claims as submitted. Ken Kingshill seconded. Vote: Yes-5; No-0. Motion carried.

Miscellaneous Business/Special Presentation:

President Smith explained that there were questions from the public asking for an update of the Development Take-Down Agreement.

Director of Public Works Kurt Wanninger explained the financial agreements, schedule and the process. There has been some discussion due to the downturn of the economy on possible revisions to the agreement. The Public Works department has not accepted any revisions at this time.

The EDUs are estimated based on historical data as well as future projections. These will be reviewed by the City's financial consultant and administrative staff.

Mr. Wanninger also explained that the financial stability is not dependent on these take-down agreements.

There was some discussion on recourses and EDU recovery once the economy turns around. Attorney Brian Zaiger described the options. The condition of the take-down agreement would carry with the PUD.

With no action required on this item Bob Horkay would like to know when to expect to revisit this. Mr. Wanninger explained that he is working on 2011 budget and would recommend October or November of this year for revisiting.

There is no public hearing required. President Smith invited anyone from the public wanting to speak to this.

Ron Thomas asked if there could be property exchanged in lieu of payment. He also had concerns with the taxpaying residents facing the same challenges having the same opportunity as the development community.

Old Business:

Ordinance 10-09: Herman and Kittle Rezone

Introduction-February 8, 2010

APC Public Hearing-March 1, 2010

APC Recommendation-May 17, 2010

Adoption Consideration-June 14, 2010

Kevin Todd from the Community Development department explained that this proposal is rezoning of an SF3 to the Commerce Centre. He described the location and explained that the concerns expressed at the March 1st APC meeting have been addressed. The two main revisions were a buffer yard and tree planting enhancements. He then introduced Steve Harden representing Herman and Kittle.

President Smith expressed his gratitude to the Petitioner, Mr. Harden, and the council members who attended neighborhood meetings to resolve initial concerns.

Ken Kingshill will forward a copy of the e-mails from Setters Run residents of initial concerns and would like this part of the record.

John Dippel had questions on the width of the path and if it was consistent with other paths in the community. Mr. Todd confirmed that it was an 8 foot path and this was consistent with other connecting trails.

Steve Hoover made the motion to approve Ordinance 10-09 as presented. Bob Horkay seconded. Vote: Yes-5; No-0. Motion carried.

New Business:

Ordinance 10-10: Re-establishment of CCD Fund

First Reading-June 14, 2010

Public Hearing-July 12, 2010

Second Reading-July 12, 2010

Adoption Consideration-July 12, 2010

Deputy Mayor Bruce Hauk described the Cumulative Capital fund and how it has been used primarily for Public Safety capital purchases and leases. This would establish the rate at 5 cents before going through the budget process.

This re-establishing of CCD would be for the intent of purchasing a new fire engine equipped and ALS certified.

Ken Kingshill asked if this was incorporated in the corporate rate. Mr. Hauk explained that this is included in the corporate rate but the CCD is outside of the statutory levy.

President Smith asked about the rate adjustment from year to year. Mr. Hauk explained that the (Government Funding) DLGF considers an upward growth by considering a community's assessed evaluation (AV) thus adjusting down the rate.

This is the first reading and will come back to the Council next month.

Ordinance 10-11: Board of Public Works & Safety Grant

First Reading-June 14, 2010

Second Reading-July 12, 2010

Adoption Consideration-July 12, 2010

President Smith explained that this Ordinance is being considered to authorize the Board of Public Works & Safety the authority over appeals in but not limited to safety and environmental violations for the City.

Attorney Brian Zaiger explained that the original ordinance was written when Westfield was a town and BPW did not exist. He went on to say that the BPW is designed to hear these kinds of appeals. He will do a survey of surrounding communities.

Ken Kingshill had concerns with delegating away from the City Council from an appellant's point of view adding more due process. He would like to see this remain at the City Council level made up of elected officials.

Steve Hoover and Bob Horkay shared in Councilor Kingshill's comments.

This will come back to the Council next month.

President Smith announced that he has been advised of a severe storm heading this way and evacuation may be necessary to the lower level.

Ordinance 10-12: Youth Assistance Fund

First Reading-June 14, 2010

Second Reading-July 12, 2010

Adoption Consideration-July 12, 2010

Deputy Mayor Hauk explained that any time money is collected an appropriate fund needs to be created before money is expended. This is the process that State Board of Accounts though statute requires.

John Dippel made the motion to suspend the rules and consider Ordinance 10-12 on the first reading. Bob Horkay seconded. Vote: Yes-5; No-0. Motion carried.

Ken Kingshill made the motion to approve Ordinance 10-12 as presented. Steve Hoover seconded. Vote: Yes-5; No-0. Motion carried.

Maples at Springmill PUD:

Introduction-June 14, 2010

APC Public Hearing-July 6, 2010

Adoption Consideration-August 9, 2010

Kevin Todd explained where this Planned Unit Development was in the process and introduced Jon Dobosiewicz with the Development Team.

Steve Hoover had questions on the garage door frontage. Mr. Dobosiewicz explained that no more than a third of the garages will be facing the road. The reason is to add variety and not be monotonous.

After some discussion the Council was in favor of moving this along to the Advisory Plan Commission.

Oak Manor PUD amendment to an area of the Villages of Oak Manor

Introduction-June 14, 2010

APC Public Hearing-July 6, 2010

Second Reading-August 9, 2010

Adoption Consideration-August 9, 2010

Kevin Todd introduced the amendment and also Glen Brehm from Hills. Mr. Brehm went on to explain that the original plan included 74 units permitted and at this point has sold 27. The downturn of this market does not call for attached living. This amendment would allow more single family detached.

After some discussion the Council was in favor of moving this to the Advisory Plan Commission.

Magnolia Springs, an amendment to the Bridgewater PUD

Introduction-June 14, 2010

APC Public Hearing-July 6, 2010

Second Reading-August 9, 2010

Adoption Consideration-August 9, 2010

Kevin Todd introduced the amendment and Tim Huber with Ramsey Development. Mr. Huber described the amendment and transitional living facility.

After some discussion the Council was in favor of moving this to the Advisory Plan Commission.

City Council Comments:

None

Mayor Comments:

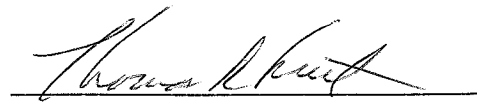
Mayor Cook announced that the Ground Breaking of the new Fire Station took place last week.

The Union Street project should be complete at the end of July.

The Midland Trail is moving along and the old Bridgewater bridge is being refurbished.

With no further business John Dippel made the motion to adjourn. Rob Horkay seconded. Vote: Yes-5; No-0. Motion carried.

DEPUTY 
Clerk-Treasurer


President